

AG Contract No. KR02-1509TRN
ADOT ECS File No. JPA 01-162
Project: AC-NH-060-B(2)B
AC=NH-060-B(6)B
TRACS No.: H5137 01C
Section: US 60, Grand Avenue
(Intersection Improvements)
COP File No. 102702

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into 19 August, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its CITY MANAGER (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by City Charter Chapter II, Section 2.i. to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. In conjunction with the State's roadway construction improvements of US 60, Grand Avenue Intersection Improvements, the City requests the State incorporate the following two (2) elements into the State's construction project, all at the City's expense, herein referred to as the "Project". 1) The design and construction of two bus bays, one along 27th Avenue, from station 20+82 northbound to 22+57 and one along Thomas Road, from station 21+03 westbound to 22+73, at an estimated cost of \$33,466.00; and 2) The design and construction of two bus bays, one along 43rd Avenue, from station 20+82 northbound (NB) to station 022+57 and one along Camelback Road, from station 21+17 eastbound (EB) to station 22+92, at an estimated cost of \$43,794.00. A summary of costs associated with the Project, totaling \$99,653.00, is detailed on Exhibit A, attached hereto and made a part hereof. Items include a **fixed cost** of fourteen percent (14%) for construction engineering and administration costs. The purpose of this agreement is to define each party's responsibility.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 25435
Filed with the Secretary of State
Date Filed: 08/19/02

Betsy Bayless
Secretary of State

By: Dan V. Graenwald

II. SCOPE OF WORK

1. The State:

a. Upon execution of this agreement, will invoice the City \$99,653.00 for the estimated costs of the Project, including a fixed rate of 14% for construction engineering and administration costs, as shown on Exhibit "A".

b. Will provide to State standards design plans, specifications and other such documents and services required for the bidding and construction of the Project.

c. Will agree to be authorized agent for the City. On behalf of the City and with the City's written concurrence, the State will call for bids, award one or more contracts to accomplish the Project; administer same and make all payments to the contractors. Confer with the City on any Project related contract modifications. Be responsible for any contractor claims for extra compensation attributable to the State.

d. Upon completion of the design and construction of the referenced Project, will invoice or reimburse the City any difference between the amount paid by the City and the actual costs for design, and the actual cost for construction, inclusive of a fixed rate of 14% for construction engineering and administration costs for the Project.

e. Upon completion, approve and accept the referenced Project on behalf of the parties hereto, as complete.

2. The City:

a. Upon execution of this agreement, will remit to the State \$99,653.00, for the estimated costs of the Project, including a fixed rate of 14% for construction engineering and administration costs, as shown on Exhibit "A".

b. Will and does hereby designate the State, as authorized agent for the City. Be responsible for any contractor claims for extra compensation attributable to the City.

c. Upon completion and acceptance of the referenced Project, reimburse the State if the cost of the Project exceeds the amount of the City's remittance, within 30 days after receipt of an invoice for the actual cost for design, and the actual costs for construction, inclusive of a fixed cost of 14% for actual costs for construction engineering and administration costs for the Project.

d. Upon completion and acceptance of the referenced Project by the State, provide maintenance to the Project. Maintenance responsibilities will be detailed in the Master Maintenance Agreement (JPA 90-19) attached hereto by reference *(Can be found on file at the City Clerk's office and Streets Transportation office.)*

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of the work contemplated herein and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to advertisement of the Project, with sixty days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.
6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007
FAX: (602) 712-7424


City of Phoenix
Public Transit Department, Reed Caldwell
302 N. First Avenue, Suite 700
Phoenix, AZ 85003
FAX: (602) 534-0879

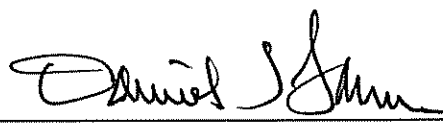
Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal
Corporation, Frank Fairbanks, City Manager

STATE OF ARIZONA
Department of Transportation

By 
ED ZUERCHER, Director
Public Transit Department

By 
DANIEL S. LANCE, P.E.
Deputy State Engineer

ATTEST:


By 
DEPUTY City Clerk

EXHIBIT A SUMMARY
IGA ESTIMATE BACKUP

GRAND AVENUE CORRIDOR
DESCRIPTION AND COST OF PAY ITEMS FOR THE CITY OF PHOENIX ENHANCEMENTS

ITEM	DESCRIPTION	COST	
		DESIGN	CONSTRUCTION
1	27TH AVENUE BUSBAYS	\$6,500	\$31,658
	Busbays at the 27th Avenue/Thomas Road intersection requested by the COP. 27th Ave NB Sta 20+82 to 22+57, Thomas Rd EB Sta 21+03 to 22+73.		\$38,158
2	43RD AVENUE BUSBAYS	\$6,500	\$43,783
	Busbays at the 43rd Avenue/Camelback Road intersection requested by the COP. 43rd Ave NB Sta 20+82 to 22+57, Camelback Rd EB Sta 21+17 to 22+92. Includes retaining wall at one busbay site.		\$50,283
Item 1-2 Sub-Total:		\$13,000	\$75,441
			\$88,441
	14% CONSTRUCTION ENGINEERING AND ADMINISTRATION	\$0	\$10,561.74
	Construction Engineering and Administration was calculated on a percentage basis of the construction cost of the City's items.		\$10,562
	5% ENGINEERING ADMINISTRATION	\$650	\$0
	Engineering Administration was calculated on a percentage basis of the design cost of the City's items.		\$650
TOTAL:		\$13,650	\$86,003
			\$99,653

EXHIBIT A
ITEM 1 ESTIMATE BACKUP
ESTIMATED COSTS

Item No	Item Description	Unit	Quantity	Unit Price	Amount
1	27th AVENUE - BUS BAYS ON THOMAS ROAD AND 27TH AVENUE				
2					
3					
4	4010028 PORTLAND CEMENT CONCRETE PAVEMENT (FOR BUS BAYS)	SQ.YD.	295	\$53.00	\$15,635.00
5	9080101 CONCRETE CURB AND GUTTER, TYPE A, (MAG DET. 220)	L.FT.	356	\$11.00	\$3,916.00
6	9080251 CONCRETE SIDEWALK (PHOENIX DET P-1230)	SQ. FT.	1,420	\$2.25	\$3,195.00
7	9080602 CONCRETE BUS SHELTER PAD (PHOENIX DET. P-1261)	SQ. FT.	870	\$4.85	\$4,220.00
8					
9	SUBTOTAL CONSTRUCTION COST (1)				\$26,966.00
10					
11	MAINTENANCE OF TRAFFIC SHARE ¹	L.SUM	1	2.40%	\$647.00
12	CONSTRUCTION SURVEYING AND LAYOUT SHARE ²	L.SUM	1	2.90%	\$782.00
13	CONTRACTOR QUALITY CONTROL SHARE ³	L.SUM	1	2.10%	\$566.00
14	MOBILIZATION SHARE ⁴	L.SUM	1	10.00%	\$2,697.00
15					
16	SUBTOTAL CONSTRUCTION COST (2)				\$31,658.00
17	DESIGN ENGINEERING				\$6,500.00
18	ITEM 1 TOTAL COST				\$38,158.00
19					

Notes:

1. Maintenance of Traffic was calculated on a percentage basis (2.4%) based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.
2. Construction Surveying and Layout was calculated on a percentage basis (2.9%) based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.
3. Contractor Quality Control was calculated on a percentage basis (2.1%) based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.
4. Mobilization was calculated on a percentage basis (10.0%) based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.

EXHIBIT A
ITEM 2 ESTIMATE BACKUP
ESTIMATED COSTS

Engineer's Estimate Version
JPA 01-162
Date: 06/05/2002

Item No	Item Description	Unit	Quantity	Unit Price	Amount
1	43rd AVENUE - BUS BAYS ON CAMELBACK ROAD AND 43RD AVENUE				
2	BORROW (REDUCED BY WALL CONSTRUCTION)	CU.YD.	(300)	\$9.00	(\$2,700.00)
3	PORTLAND CEMENT CONCRETE PAVEMENT (FOR BUS BAYS)	SQ.YD.	295	\$53.00	\$15,635.00
4	CONCRETE SINGLE CURB (MAG DET. 222)(TYPE A)(MODIFIED)	L.FT.	356	\$11.00	\$3,916.00
5	CONCRETE SIDEWALK (MAG DET. 230)	SQ.FT.	1,486	\$2.25	\$3,343.50
6	CONCRETE BUS SHELTER PAD (PHOENIX DET. P-1261)	SQ.FT.	870	\$4.85	\$4,219.50
7	WALL (MSE)	SQ.FT.	560	\$23.00	\$12,880.00
8	SUBTOTAL CONSTRUCTION COST (1)				\$37,294.00
9					
10	MAINTENANCE OF TRAFFIC SHARE ¹	L.SUM	1	2.40%	\$895.00
11	CONSTRUCTION SURVEYING AND LAYOUT SHARE ²	L.SUM	1	2.90%	\$1,082.00
12	CONTRACTOR QUALITY CONTROL SHARE ³	L.SUM	1	2.10%	\$783.00
13	MOBILIZATION SHARE ⁴	L.SUM	1	10.00%	\$3,729.00
14					
15	SUBTOTAL CONSTRUCTION COST (2)				\$43,783.00
16	DESIGN ENGINEERING				\$6,500.00
17	ITEM 2 TOTAL COST				\$50,283.00
18					
19					

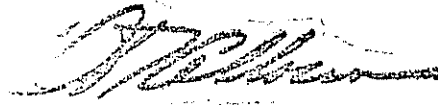
Notes:

1. Maintenance of Traffic was calculated on a percentage basis (2.4% based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.
2. Construction Surveying and Layout was calculated on a percentage basis (2.9% based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.
3. Contractor Quality Control was calculated on a percentage basis (2.1% based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.
4. Mobilization was calculated on a percentage basis (10.0% based upon the Contractor's actual bid on the 27th Ave/91st Ave & Grand Project) of the construction cost of the City's items.

RESOLUTION

BE IT RESOLVED on this 3rd day of October, 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the INTERMODAL TRANSPORTATION DIVISION, to enter into an intergovernmental agreement with CITY OF PHOENIX, for the purpose of defining responsibilities for City requested construction of bus bays along 27th Avenue, along 43rd Avenue and along Camelback Road, incident to State's construction improvements on US 60 (Grand Avenue), Intersection Improvements.

Therefore, authorization is hereby granted to draft said agreement, which upon completion, shall be submitted to the Deputy State Engineer for approval and execution

A handwritten signature in black ink, appearing to read 'DAVID R. ALLOCCO', is written over a horizontal line.

DAVID R. ALLOCCO, P.E. Assistant State Engineer
Engineering Technical Group
for VICTOR M. MENDEZ, Director

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

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Complete this form per O.P. 1.906 and A.R. 4.11.

Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/>		Ordinance <input type="checkbox"/>
	License Application <input type="checkbox"/>		Resolution <input checked="" type="checkbox"/>
	Public Hearing <input type="checkbox"/>		Emergency Clause? <input type="checkbox"/>
	Other <input type="checkbox"/>		(for use only w/ord. or res. requests)
IMPACTED DISTRICT(S)	DISTRICT 5		ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER? <input checked="" type="checkbox"/>
SUBJECT	INTERGOVERNMENTAL AGREEMENT - CITY OF PHOENIX & ADOT FOR GRAND AVENUE (US 60) BUS BAY IMPROVEMENTS		
REQUESTED AGENDA DATE	6/12/2002	PREPARED BY	Name <u>Ray Dovalina, P. E.</u> Department <u>Street Transportation</u> Phone <u>495-5817</u>
APPROVALS	Division Head:	Donald J. Herp, P. E.	If prepared for another department: Department Name: Public Transit Approval:
	Department Head:	Thomas E. Callow, P.E.	
BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>	
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____	
	Contract Required? <input type="checkbox"/>	Requisition No. _____	
CONTRACT INFORMATION	Contract Amendment? <input type="checkbox"/>		
	If Yes, Current Contract No. _____		
	Approved by:	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Formal Action <input type="checkbox"/>	on Date: _____
BUDGET INFORMATION	\$ <u>113,952.00</u>		To Be Encumbered? <input checked="" type="checkbox"/>
	Source of Funds: <u>Transit 2000 (1204)</u>		Fiscal Year? <u>FY 2003</u>
	Fund Center(s) (SAP-FM): <u>See next page</u>		
	Commitment Item(s) (SAP-FM): <u>510135</u>		
	Availability of Funds Approval <u>Nancy Ruminski</u>		
CITY MANAGER'S OFFICE	Approved by Jack Tevlin, Deputy City Manager 6/3/02		CM Control No. 65
CITY CLERK DEPARTMENT	Council Action Taken: <u>Adopted</u>		
	Ordinance Number:	RCA No.	<u>38797</u>
	Resolution Number: <u>19820</u>	Contract No.	<u>102702</u>
	Comments:	Meeting Date	<u>6/12/2002</u>
		Item No.	<u>78</u>

ITEM**DISTRICT 5****INTERGOVERNMENTAL
AGREEMENT - CITY OF
PHOENIX & ADOT FOR GRAND
AVENUE (US 60) BUS BAY
IMPROVEMENTS**

Request to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) to provide bus bay improvements for Grand Avenue and 27th Avenue/Thomas Road and Grand Avenue and 43rd Avenue/Camelback Road intersections.

ADOT will provide design and construction services to implement these bus bay improvements at both intersections in conjunction with ADOT's construction efforts for the Grand Avenue projects. The City will reimburse ADOT for design and construction services at an estimated cost of \$113,952. After construction, the City will operate and maintain the bus bay improvements.

Financial Impact

Project Description	Est. Cost	Fisc. Yr	Fund Center
EB Thomas Rd.	\$23,235	FY 2003	PT00140037-1
NB 27th Ave.	\$23,235	FY 2003	PT00140036-1
NB 43rd Ave.	\$33,741	FY 2003	PT00140038-1
EB Camelback Rd.	\$33,741	FY 2003	PT00140039-1
Total	\$113,952		

Citizen Notification

ADOT has held public meetings to receive citizen input on the design and construction of the Grand Avenue Improvement projects.

RESOLUTION NO. 19820

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF BUS BAY IMPROVEMENTS TO GRAND AVENUE NEAR THE 27TH AVENUE/THOMAS ROAD AND 43RD AVENUE/CAMELBACK ROAD INTERSECTIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. The City Manager is authorized to enter into an intergovernmental agreement with the State of Arizona through the Arizona Department of Transportation to design and construct bus bay improvements to Grand Avenue near the 27th Avenue/Thomas Road and 43rd Avenue/Camelback Road intersections.

PASSED by the Council of the City of Phoenix this 12th day of June 2002.

Charles M. Mello

~~ACTING~~ MAYOR

ATTEST:

Ticky Miel City Clerk

APPROVED AS TO FORM:

William Beck ^{ACTING} City Attorney

REVIEWED BY:

Mark Reuter City Manager

2002 JUN 12 AM 11:01

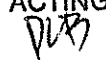
CITY CLERK DEPT.

DLB: cz:132601v1
6/12/02; #65

APPROVAL OF THE CITY OF PHOENIX ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 9th day of July, 2002.

William D. Bock
ACTING  Attorney



JANET NAPOLITANO
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION
1275 WEST WASHINGTON STREET, PHOENIX, AZ 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8855
Fax: (602) 542-3646
MAIN PHONE : (602) 542-1680
FACSIMILE : (602) 542-3646

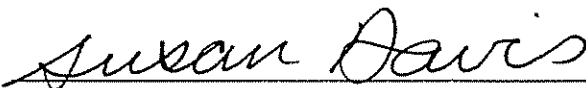
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-1509-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED: August 12, 2002.

Janet Napolitano
Attorney General



Susan E. Davis
Assistant Attorney General
Transportation Section

SED:djd:752718

Enc.